



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF THE  
REGIONAL  
ADMINISTRATOR

Mailing Address

Re:

Notification of Bristol Bay Alaska Native Claims Settlement Act Corporation Engagement Opportunity on Proposed Determination of the U.S Environmental Protection Agency Region 10 Pursuant to Section 404(c) of the Clean Water Act Pebble Deposit Area, Southwest Alaska

Dear ANCSA Executive,

The U.S. Environmental Protection Agency Region 10 (EPA R10) is offering engagement opportunities with Alaska Native Claims Settlement Act (ANCSA) Regional and Village Corporations in Bristol Bay, Alaska on the EPA R10's proposed determination to restrict the use of certain waters in the Bristol Bay watershed for disposal of dredged or fill material associated with mining the Pebble deposit, a large ore body in southwest Alaska. EPA Region 10 is taking this step because of the high ecological and economic value of the Bristol Bay watershed and the assessed unacceptable environmental effects that would result from such mining. This proposed determination relies on clear EPA authorities under the Clean Water Act (CWA), and is based on peer-reviewed scientific and technical information. Its scope is geographically narrow and it does not affect other deposits or mine claim holders outside of those affiliated with the Pebble deposit. EPA Region 10 is taking this step pursuant to Section 404(c) of the CWA and its implementing regulations at 40 Code of Federal Regulations (CFR) Part 231.

EPA's mission is to protect human health and the environment. EPA R10 carries out this mission, in part, by ensuring appropriate implementation of the CWA. Section 404(c) of the CWA authorizes EPA R10 to prohibit, restrict, or deny the use of any defined area in waters of the United States for specification as a disposal site whenever it determines, after notice and opportunity for public hearing, that the discharge of dredged or fill material into the area will have an unacceptable adverse impact on specified resources, including fishery areas (including spawning and breeding areas), wildlife and recreational areas, as well as municipal water supplies. EPA R10 is seeking public comment, ~~and offering tribal consultation~~ ANCSA engagement on this proposed determination because it has determined that the discharge of dredged or fill material associated with mining the Pebble deposit could result in unacceptable adverse effects on fishery areas of the NFK, SFK, and UTC watersheds.

Pursuant to Public Law 108-199, 118 Stat. 452, as amended by Public Law 108-447, 118 Stat. 3267, EPA is required to consult with ANCSA Corporations on the same basis as Indian tribes, under Executive Order 13175. Accordingly, EPA R10 provided multiple engagement opportunities for ANCSA Regional and Village Corporations with lands in the Bristol Bay watershed throughout development of the Bristol Bay Watershed Assessment. ~~EPA-EPA R10~~ EPA R10 plans to provide similar opportunities for ANCSA Corporations and invites you and your designated ANCSA representative(s) to participate in this process. Please see the enclosed form which is one way your Corporation may inform EPA R10 of its designated official for the purposes of this engagement opportunity.

The EPA R10 acknowledges that in-person meetings with ~~EPA's senior~~ the Agency's decision making officials are preferred, therefore the EPA R10 will provide several in meetings during the week of August 11<sup>th</sup>. There will be ~~several~~ a number of opportunities for leadership meetings with designated

ANCSA officials and myself in the following communities: Anchorage, Dillingham, Newhalen and Iliamna. There will be additional opportunities for leadership meetings with delegated EPA R10 officials August 13<sup>th</sup> through August 15<sup>th</sup> in the communities of New Stuyahok, Igiugig, Kokhanok, and Nondalton. Due to scheduling constraints the ANCSA meetings will likely be held in a group setting, so it is important to receive information from interested ANCSA corporations as soon as possible. Please respond to this letter no later than **August 1<sup>st</sup>, 2014** to ensure adequate time for planning. Requests for one-on-one meetings will be considered as time and resources allow, if unable to occur during the week of August 11<sup>th</sup>, then it may be held via telephone or at one of our offices in Anchorage, Alaska or Seattle, Washington. We would like to plan the ANCSA meetings as soon as possible and request that you ~~p~~Please contact Tami Fordham, Tribal Liaison to this project, who will be working with interested ANCSA corporations. ~~to plan these events, her contact information has been provided below. Her~~ contact information is provided below.

Enclosed is the ANCSA corporation engagement plan for this action that includes a description of the action and the process EPA R10 intends to follow, including a timeline for the engagement period and information on how you can provide input on this action. EPA R10's anticipated timeline for the ANCSA engagement is expected to extend from July 18<sup>th</sup> 2014 to COMMENT PERIOD END DATE. There will be an informational call regarding the ANCSA engagement consultation process on July 18<sup>th</sup>, 2014 at 2:30 pm Alaska time and a webinar regarding the Proposed Determination on Wednesday, July 30<sup>th</sup> at 2:30 pm Alaska time. The teleconference line is **Nonresponsive Conference Code**. Additional details are included in the enclosed ANCSA engagement plan.

The official EPA contact person for this ~~consultation and coordination~~ ANCSA engagement process is Tami Fordham, Tribal Liaison to the Proposed CWA 404(c) Pebble Project, she may be reached at 907-271-1484 or fordham.tami@epa.gov. Please do not hesitate to contact Rick Parkin, Senior Management Lead at parkin.richard@epa.gov, 206-553-8574 should you have any questions regarding this action.

I look forward to hearing from you on this important matter.

Sincerely,

Dennis J. McLerran  
Regional Administrator

cc:  
Enclosures

**ANCSA Engagement Opportunities for the Proposed Determination of the U.S Environmental Protection Agency Region 10 Pursuant to Section 404(c) of the Clean Water Act Pebble Deposit Area, Southwest Alaska**

| Date                                | Event  | Contact Information   |
|-------------------------------------|--|---|
| July 18, 2014<br>2:30PM Alaska Time | <b>Information Exchange Meeting</b><br><i>(for ANCSA Village and Regional Corporations)</i><br><br>Informational teleconference call – 404(c) Process Overview, ANCSA meeting planning, and public comment period and public meeting schedule. | Phone:<br>Code: <div style="border: 1px dashed black; padding: 2px;">Nonresponsive Conference Code</div>  |
| July 30, 2014<br>2:30PM Alaska Time | <b>Information Exchange Meeting</b><br><i>(for ANCSA Village and Regional Corporations)</i><br><br>Webinar – <del>Draft</del> Proposed Determination – Overview  | Phone:<br>Code: <div style="border: 1px dashed black; padding: 2px;">Nonresponsive Conference Code</div><br><br>Adobe:<br><a href="https://epa.connectsolutions.com/bbinfo/">https://epa.connectsolutions.com/bbinfo/</a> |
| August 11-15, 2014                  | <b>Leadership Meetings</b> – we invite your ANCSA Corporation to attend one of the following meetings: Anchorage, Dillingham, Iliamna, Newhalen, New Stuyahok, Igiugig, Kokhanok, or Nondalton.  | Contact Tami Fordham for scheduling information<br><a href="mailto:fordham.tami@epa.gov">fordham.tami@epa.gov</a><br>907-271-1484   |

## EPA Region 10 ANCSA Engagement Questionnaire

ANCSA Corporation Name: \_\_\_\_\_

### Project Name:

Proposed Determination of the U.S Environmental Protection Agency Region 10 Pursuant to Section 404(c) of the Clean Water Act Pebble Deposit Area, Southwest Alaska  
Clean Water Act Section 404(c) Proposed Determination—Pebble Deposit

Please check the appropriate response(s) describing the level of involvement your ANCSA corporation would like regarding this Proposed Determination.

☐ We request to participate in the following meeting:

- |              |                |
|--------------|----------------|
| - Anchorage  | - New Stuyahok |
| - Dillingham | - Igiugig      |
| - Iliamna    | - Kokhanok     |
| - Newhalen   | - Nondalton    |

☐ We want to continue to receive project information by mail and participate in the public process.

☐ We have no interests associated with the proposed determination by EPA R10 action and decline to engage at this time.

The following ANCSA official has been designated by the Corporation to serve as the point of contact for this process:

Name and Title: \_\_\_\_\_

E-mail: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Signed by President/CEO (or Chairman):

\_\_\_\_\_ Date: \_\_\_\_\_

Name/Title: \_\_\_\_\_

You may also scan and e-mail or fax this form to: Tami Fordham at [fordham.tami@epa.gov](mailto:fordham.tami@epa.gov) or fax to 907-271-3424.

If you have any questions regarding the Proposed Determination please contact Rick Parkin, email: [parkin.richard@epa.gov](mailto:parkin.richard@epa.gov) or phone 206-553-8574.



**Distribution List:**

Alaska Peninsula Corporation  
Aleknagik Natives Limited  
Bay View Incorporated  
Becharof Corporation  
Bristol Bay Native Corporation  
Chignik Lagoon Native Corporation  
Chignik River Limited  
Choggiung, Limited  
Ekwok Natives Limited  
Far West, Incorporated  
Igiugig Native Corporation  
Iliamna Natives Limited  
Koliganek Natives Limited  
Levelock Natives Limited  
Manokotak Natives Limited  
Oceanside Native Corp.  
Olsonville, Incorporated  
Paug-Vik Incorporated, Limited  
Pedro Bay Native Corporation  
Pilot Point Native Corporation  
Saguyak, Incorporated  
Stuyahok Limited  
Tanalian Incorporated  
Togiak Natives Corporation  
Twin Hills Native Corporation